

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAGALY CAMACHO, et al.

Plaintiffs

v.

WILLIAM FRANCIS GALVIN,
in his official capacity as Secretary of the
Commonwealth of Massachusetts,

Defendant.

CIVIL ACTION NO. 2002-10428-DPW

BLACK POLITICAL TASK FORCE, et al

Plaintiffs,

v.

WILLIAM FRANCIS GALVIN, in his capacity
as Secretary of the Commonwealth of
Massachusetts,

Defendant.

CIVIL ACTION NO. 2002-11190 DPW

**SUPPLEMENTAL AFFIDAVIT
OF
HAROLD W. STANLEY**

July 10, 2003

BOST1-798535-1

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Appendix 1: Results by Enacted (2002) Suffolk County House of Representatives District in the City of Boston.

Appendix 2: Exogenous Election Analysis: Regression

Appendix 3: Hispanic Turnout and Preferred Candidate Support Estimates, 1997-2002.

I, Harold W. Stanley, of Dallas, Texas, hereby depose and state as follows:

Purpose of Report

1. Attorneys for the defendants have asked me to respond to the reports filed in this case by Professors Engstrom and Patterson, and Dr. Hardy-Fanta.¹

Engstrom Report

Exogenous Rather than Endogenous Elections Analysis

2. "Endogenous" elections refer to elections for the office that is in dispute, in these cases, Suffolk County House of Representatives seats. "Exogenous" elections refer to elections to offices other than the office in question. Professor Engstrom's elections analyses contain nine exogenous elections and only one endogenous election.
3. To understand voting in elections in Suffolk County House contests, an analysis relying extensively on exogenous elections has questionable utility. Practical differences are noteworthy. The school committee elections in Chelsea and the city council elections in Boston and Chelsea that Professor Engstrom analyzed occur in an at-large setting rather than in single-member districts. (District attorney elections also occur in jurisdictions much larger than House of Representatives districts. Suffolk County encompasses the entire cities of Boston, Chelsea, Revere, and Winthrop.) Rather than running citywide in the City of Boston, running in smaller districts imposes fewer demands in terms of such things as visibility, political organization, campaigning, and funding. Which candidates run and how they run will differ. Voter expectations for district attorney, city council, and school committee candidates can differ from those for state legislative contests. The scope and nature of the campaign, funds and organization required, voter interest, and political issues can differ. Not only is the election timing different for municipal offices, the offices up for simultaneous election differ: school committee and city council elections occur in odd-numbered years, state house elections in even-numbered years. Moreover, school committee and city council elections in Chelsea and city council elections in Boston are non-partisan, state house contests partisan. Also, school committee elections and city council at-large elections in Boston and Chelsea are not vote-for-one contests; House of Representatives contests are vote-for-one contests. These politically salient facts make assumptions that voting will be the same and voters will act the same in exogenous and endogenous elections, as dissimilar as these elections are, suspect.

¹ Richard L. Engstrom, "Black Political Task Force, et al v. Galvin, et al: C.A. 02-11190-DPW," 23 March 2003 (hereafter referred to as Boston Report); Richard L. Engstrom, "Camacho, et al v. Galvin, et al: C.A. 02-10428-DPW," 23 March 2003 (hereafter referred to as Chelsea Report); Thomas E. Patterson, "Expert Report," 21 March 2003; and Carol Hardy-Fanta, "Expert Report," 20 March 2003.

4. Rather than analyze the patterns of voting by race and ethnic group in elections to the Suffolk County House of Representatives districts, Professor Engstrom restricts his analysis to elections in which one or more minority candidates have run against one or more non-minority candidates. In Boston, minority candidates meant either black and Hispanic. In Chelsea minority candidates included only Hispanic candidates.
5. The set of elections Professor Engstrom analyzed included only one election to a Suffolk County House of Representatives seat. As a result, Professor Engstrom is unable to establish whether or not voting in Suffolk County House of Representatives districts has been racially or ethnically polarized in any significant manner, whether black or Hispanic voters have been politically cohesive in voting for Suffolk County House of Representatives seats, or whether a white bloc voting majority usually defeats candidates of black and Hispanic voter choice in Suffolk County House of Representatives districts.
6. For Boston, Professor Engstrom analyzed voting patterns in five elections: three City Council at-large elections (1995, 1997, and 2001 generals), one District Attorney election (the 2002 general), and one Suffolk County House of Representatives District 9 election (the 1998 Democratic primary) .
7. For Chelsea, Professor Engstrom analyzed voting patterns in five elections: three School Committee at-large elections (1997, 1999, 2001 generals), one City Council at-large election (2001 general), one State Senate election (2002 Democratic primary in the Middlesex, Suffolk and Essex district), and no elections to a Suffolk County House of Representatives seat.
8. Professor Engstrom noted that four district elections for the Chelsea city council involved choices between Hispanic and non-Hispanic candidates, but that these could not be analyzed using the standard methods in voting rights cases.
9. These Chelsea district elections were in District 6 (2001 election) and District 7 (1997, 1999, and 2001 elections). Hispanic candidates won two of these four elections. The two losses were both to black candidates. The elections the Hispanic candidates won were in District 6 in 2001 (Santaniello) and in District 7 in 1997 (Vega). In 1999 and in 2001 in District 7, the Hispanic candidates (Roy Avellaneda in 1999 and Vincente A. Avellaneda in 2001) lost to a black candidate (Brown).
10. The following table presents the black and Hispanic candidates who have been elected to office in the City of Chelsea since 1994.

11. City of Chelsea, Election of Blacks and Hispanics, 1994-2001

<i>Election</i>	<i>District</i>	<i>Candidate</i>	<i>Race / ethnicity</i>
12/6/1994	4	Mekonnen Tsegaye	Black
12/6/1994	6	Vega	Hispanic
11/4/1997	4	Mekonnen Tsegaye	Black
11/4/1997	6	Vega*	Hispanic
11/4/1997	7	Roy A. Avellaneda	Hispanic
11/2/1999	Councilor, AL	Robinson	Black
11/2/1999	4	Mekonnen Tsegaye*	Black
11/2/1999	6	Vega*	Hispanic
11/2/1999	7	Brown	Black
11/6/2001	Councilor, AL	Roy A. Avellaneda	Hispanic
11/6/2001	Councilor, AL	Robinson	Black
11/6/2001	4	Mekonnen Tsegaye*	Black
11/6/2001	6	Santaniello	Hispanic
11/6/2001	7	Brown	Black
11/6/2001	School Committee, AL	Deborah A. Washington	Black

Note: “*” indicates successful minority candidate in an uncontested election. Districts 4, 6, and 7 had Hispanic voting-age populations of 43, 65, and 70 percent Hispanic when calculated in terms of 2000 census data. The corresponding black percentages are under ten percent in each district. Unsuccessful minority candidates were as follows: 12/6/94: Hispanic candidates lost in Districts 7 (Avellaneda) and 8 (Ortiz); two Hispanic candidates lost for councilor at-large (Ceferino S. Rosa and Marta T. Rosa), and two Hispanic candidates for school committee (Guevara and Meza); 11/4/1997: black candidates lost in District 2 (Allan D. Washington) and in District 7 (Brown to a Hispanic candidate, Roy A. Avellaneda), one Black (Lopez) and one Hispanic (Valentin) lost for the school committee; 11/2/1999: one Hispanic candidate lost in District 7 (Roy Avellaneda, to Brown, a black candidate), one black candidate lost for school committee (Lopez); 11/6/2001: one Hispanic candidate lost in District 7 (Vincente A. Avellaneda to Brown, a black candidate), and two Hispanics lost for school committee (Valerio and Pazos).

12. Professor Engstrom's election analyses include only one Suffolk County House of Representatives contest—the 1998 Democratic primary in Suffolk County House of Representatives District 9. (Engstrom, Boston Report, p. 9, par. 21) In this primary (and the subsequent general election), the black candidate, incumbent Byron Rushing, prevailed. Rushing was the candidate of choice of black, white, and Hispanic voters. This was not an election contest marked by racially or ethnically polarized voting. (Preliminary Report of Harold W. Stanley for the Cases of *Camacho v. Galvin* and *Black Political Task Force v. Galvin* (hereafter Stanley, Preliminary Report), p. 15, pars. 91-92, and Appendix 2 thereto, p. 3)

Exogenous Minority Candidates and Simulated Elections in the Newly Enacted Suffolk County House of Representatives Districts

13. If, in spite of the concerns discussed above, exogenous elections are given any weight in an assessment of voting in Suffolk County House contests, one perspective to consider concerns how these exogenous elections would have turned out within each Suffolk County House of Representatives district. Such results may suggest the opportunities minority candidates who are also candidates of choice of minority voters have to win election in these Suffolk County House of Representatives districts. For all the reasons referenced above, one must exercise caution in drawing conclusions from these elections held under dissimilar rules for different offices.
14. Elections for the Suffolk County District Attorney (2002) and Boston City Council At-Large elections (1995, 1997, and 2001) analyzed by Engstrom were broken down by Suffolk County House of Representatives Districts 5, 6, 7, 9, 11, 12, and 15. That is, election results for each precinct composing the districts were tabulated and summed to give a district-specific election result. Appendix 1 reports the results by these enacted Suffolk County House of Representatives Districts.
15. In the Suffolk County District Attorney election in 2002, the black candidate Jenkins would have carried four of the seven districts (Districts 5, 6, 7, and 12), trailing in the other three by 9.4 percentage points (District 11), 5.5 percentage points (District 15), or 0.5 percentage points (or 37 votes in District 9).
16. While the 2002 Suffolk County District Attorney contest may be similar to a House of Representatives election in that it is a vote-for-one election, the dissimilarities between this election and a House of Representatives election—campaigning county-wide rather than focusing on a single district; differing voter expectations for a district attorney than for a state representative; the need for greater political organization, campaigning, and fund-raising in a county-wide contest than in a smaller House of Representatives district; particular political circumstances of these three candidates at a distinct time—counsel

caution in drawing firm conclusions from these results about how any one district will vote in a single-member House of Representatives election.

17. Reliable insights for single-member elections such as Suffolk County House of Representatives may not result from vote-for-four elections. How voter preferences would choose a single candidate rather than cast up to four votes is not straightforward. For whatever edification the results may offer, the three Boston City Council elections analyzed by Professor Engstrom are discussed.
18. In the Boston City Council at-large election of 2001, the Hispanic candidate Arroyo placed first in four districts (Districts 5, 6, 7, and 9), and second in two districts (Districts 11 and 15).
19. In the Boston City Council at-large election of 1997, the black candidate Jones placed first in six districts (Districts 5, 6, 7, 9, 11 and 15), and second in one district (District 12).
20. In the Boston City Council at-large election of 1995, the black candidate Jones placed first in six districts (Districts 5, 6, 7, 9, 11 and 15).

Political Participation

Registration

21. Before examining the exogenous elections Professor Engstrom analyzed, general considerations of registration and turnout should be addressed.
22. The figures for black and nonblack voter registration rates reported by Professor Engstrom (Boston Report, p. 12, par. 28), when applied to the voting-age population figures, do not approximate the number of registered voters in the City of Boston.
23. Multiplying the Engstrom percentage of black voting-age population registered for the election of 2001 (34.3 percent) by the black voting-age population from the 2000 Census (96,897) yields 33,236 black registered voters. Professor Engstrom reports nonblacks are registered at a 42.9 percent rate. Multiplying that percentage by the nonblack 2000 census figure (375,685) yields 161,169 nonblack registered voters. Summing the two figures for registered voters yields 194,405 according to Engstrom's estimates, a figure well below the 257,567 registered voters in the City of Boston in the November 2001 election.²

² Professor Engstrom's ecological inference (EI) estimates are similarly off the mark. Multiplying the Engstrom percentage of black voting-age population registered for the election of 2001 according to EI (32.5 percent) by the black voting-age population from the 2000 Census (96,897) yields 31,492 black registered voters. Professor Engstrom's EI estimate is that in 2001 nonblacks are registered at a 42.7 percent rate. Multiplying that percentage by the nonblack 2000

24. Regression analyses of voter registration in the City of Boston in the November 2001 election reveal the following percentages of the voting-age population registered: Hispanics 14.5 percent; blacks 53.7 percent; and “whites” (non-black, non-Hispanic) at 56.4 percent. The corresponding voting-age population counts from the 2000 Census for Hispanics was 57,258; for blacks 104,285; and for “whites” 311,039.³ Multiplication and addition for the registration rates and census figures produce estimates of registered voters of 8,325 Hispanics, 55,970 blacks, and 175,550 “whites.” When summed, these estimates yield a much closer estimated figure: 239,845 registered voters.
25. For Chelsea’s November 2001 elections, Professor Engstrom reports that 25.3 percent of the registered voters were Hispanic. (Chelsea Report, p. 13, par. 32) Given that there were 8,621 registered voters for that election, that would mean 2,181 registered voters were Hispanic ($8,621 \times .253 = 2,181.1$). Although Professor Engstrom does not consider the citizenship of Chelsea Hispanics, we know from the 2000 Census that there were 4,920 Hispanic citizens of voting-age in Chelsea. (Stanley, Preliminary Report, p. 6, par. 38) According to Professor Engstrom’s estimates, this would mean 44.3 percent of citizen voting-age Hispanics were registered ($2,181 / 4,920 = 44.3$ percent).

Voter Turnout

26. The standard methods used in voting rights cases can produce estimates not only of the number of registered voters by race or ethnic group, but also of the number of voters turning out by racial or ethnic group.
27. Professor Engstrom estimates that blacks in the City of Boston turned out at the following rates in the elections of 1995, 1997, and 2001: 7.3, 7.9, and 18.8 percentages of their voting-age population (Boston Report, pp. 12-13, par. 30).⁴

Census figure (375,685) yields 160,417 nonblack registered voters. Summing the two figures for registered voters yields 191,909 according to Engstrom’s estimates, a figure well below the 257,567 registered voters in the City of Boston in the November 2001 election.

³ The population categories are Hispanics regardless of racial designation, non-Hispanic black who in the 2000 Census list black as any one of the racial responses, and all other persons who are non-Hispanic and non-black. (Stanley, Preliminary Report, page 12, paragraph 71.)

⁴ The estimate from the ecological inference method of estimation (EI) were slightly higher: 8.6, 9.5, and 19.4 percent, respectively. The estimated numbers of black voters these would produce is also slightly higher: 8,333 in 1995, 9,205 in 1997, and 18,798 in 2001. Such an upswing in voting by blacks from 7 or 9 to 19 percent of the black voting-age population contradicts the “vicious circle” or “cycle of mistrust” theories advanced in Professor Patterson’s report, pp. 7-8.

28. Following Professor Engstrom's definition (Boston Report, p. 2, par. 4 and n. 1), the 2000 Census figure for blacks of voting-age in the City of Boston is 96,897. Taking the black voting-age population and Engstrom's black turnout estimates as a percentage of voting-age population produce estimates of the actual numbers of black voters at the polls: 7,073 in 1995; 7,655 in 1997; and 18,217 in 2001.⁵
29. Given these estimates of the actual numbers of black voters at the polls, one can calculate the percentage these black voters made up of the total turnout.⁶ In the 2001 election blacks made up 19.5 percent of the voter turnout, a figure that approximates the 20.5 black percentage of the voting-age population in the 2000 Census.
30. Professor Engstrom reports that Hispanics made up the following percentages of the total voter turnout in Chelsea elections in 1997, 1999, and 2001: 13.9, 15.3, and 22.5, respectively (Chelsea Report, p. 13, par. 32). Taking the total turnout in each election, we can calculate the number of Hispanic voters at the polls: 581 in 1997, 492 in 1999, and 757 in 2001.⁷ These numbers pale by comparison with the Hispanic voting-age population in Chelsea of 11,126 in the 2000 Census. These figures constitute only between 10 and 15 percent of the more politically pertinent Hispanic citizen voting-age population of 4,920.

Exogenous Elections

Boston City Council at-large: 1995, 1997, and 2001 general elections

31. In the three general elections for the Boston City Council, at-large, vote-for-four seats, black voters demonstrated differing levels of turnout and support for their most preferred candidates. (For brevity, the results from regression analysis are presented. Conclusions from the EI estimates would be substantively similar.) Professor Engstrom's estimated

⁵ The total black voting-age population from the 2000 Census in Professor Engstrom's usage is 96,897. For 1995: this number multiplied by 7.3 percent yields 7,073.48; for 1997: this number multiplied by 7.9 percent yields 7,654.9; for 2001: this number multiplied by 18.8 percent yields 18,216.6. (In 1990 the black voting-age population was only slightly lower than in 2000: 93,832. Using this 1990 figure for 1995, or an interpolated figure for 1995 and 1997, would reduce slightly the black voter counts.)

⁶ In 1995, blacks made up 10.7 percent of the total turnout (black turnout was 7,073, total turnout 66,266; $7,073 / 66,266 = 10.7$ percent). In 1997, blacks made up 11.3 percent of the total turnout (black turnout was 7,655, total turnout 67,850; $7,655 / 67,850 = 11.3$ percent). In 2001, blacks made up 19.5 percent of the total turnout (black turnout was 18,217, total turnout 93,452; $18,217 / 93,452 = 19.5$ percent).

⁷ For 1997: total turnout of 4,182 multiplied by 13.9 percent yields 581.3; for 1999: total turnout of 3,213 multiplied by 15.3 percent yields 491.6; and for 2001: total turnout of 3,366 multiplied by 22.5 percent yields 757.4.

turnout levels from regression analysis for black voters in the 1995, 1997, and 2001 general elections are 7.3, 7.9, and 18.8 percent of the black voting-age population, respectively. (Boston Report, pp. 12-13, par. 30) Professor Engstrom's estimated support from regression analysis for the candidate most preferred by black voters in the 1995, 1997, and 2001 general elections is 83.1 (Jones), 86.6 (Jones), and 61.0 percent (Arroyo) of the blacks receiving ballots in each election, respectively (Engstrom Boston Report, p. 7, par. 17; p. 6, par. 14; p. 5, par. 11).

32. Professor Engstrom's estimates suggest black voters had the capability and the opportunity, by turning out at the higher level that characterized the 2001 election, to furnish their most preferred candidate in 1995 and 1997 with winning margins.⁸ While Arroyo, a Hispanic candidate and the most preferred candidate of black voters in 2001, would have gained more votes with the greater black voter cohesion that in the earlier elections, these additional votes would not have sufficed to close the gap and place Arroyo among the top four vote-getters.
33. A presentation of the votes in the three elections will be helpful. The candidates are ranked by vote received in descending order:

1995			1997			2001		
Candidate		Votes	Candidate		Votes	Candidate		Votes
Roache	W	31,429	Roache	W	32,144	Roache	W	44,318
O'Neil	W	30,896	Davis-Mullen	W	28,205	Flaherty	W	43,402
Ianella	W	28,944	O'Neil	W	27,687	Hennigan	W	40,728
Davis-Mullen	W	24,075	Murphy	W	26,736	Murphy	W	39,552
Murphy	W	21,360	Iannella	W	26,561	Arroyo	H	28,753
Jones	B	20,503	Jones	B	25,019	Consalvo	W	28,634
Flaherty	W	20,054	Gannon	W	17,110	Igoe	W	7,611
Gannon	W	16,152	Smith	W	6,294			

Note: "B" indicates non-Hispanic black, "H" indicates Hispanic, and "W" indicates non-Hispanic white.

34. As discussed above, Professor Engstrom's regression estimates of the actual numbers of black voters at the polls are 7,073 in 1995; 7,655 in 1997; and 18,217 in 2001. Multiplying the number of black voters at the polls in a particular year by the percentage of the black voters at the polls backing a candidate yields an estimate of the number of black voters a candidate received. Jones in 1995 received 83.1 percent support from the 7,073 black voters

⁸ Professor Engstrom's regression estimates of non-black turnout indicate it rose less than black turnout rose, from 15.8 in 1995 to 16.0 in 1997 and to 20.0 in 2001 (Engstrom, Boston Report, pp. 12-13, par. 30).

at the polls, or support from 5,878 black voters ($7,073 \times 83.1\% = 5,877.7$). Jones in 1997 received 86.6 percent support from the 7,655 black voters at the polls, or support from 6,629 black voters ($7,655 \times 86.6\% = 6,629.2$).

35. If black voters had turned out at the rate they turned out in 2001 and exhibited the same level of political cohesion, they would have provided their most preferred candidate Jones with more than 9,000 additional votes in 1995 and in 1997, a net addition to his vote total that would have easily moved him within the top four in both elections.
36. If Jones in 1995 had received 83.1 percent support from 18,217 black voters at the polls (the 2001 turnout), this would have meant support from 15,138 black voters ($18,217 \times 83.1\% = 15,138.3$). This would have been an additional 9,260 black votes than he is estimated to have received ($15,138 - 5,878 = 9,260$), producing an overall vote total of 29,763 ($20,503 + 9,260 = 29,763$) when 24,076 votes would have sufficed to lead Davis-Mullen for fourth place.
37. If Jones in 1997 received 86.6 percent support from 18,217 black voters at the polls (the 2001 turnout), this would have meant support from 15,776 black voters ($18,217 \times 86.6\% = 15,775.9$). This would have been an additional 9,147 black votes than he is estimated to have received ($15,776 - 6,629 = 9,147$), producing an overall vote total of 34,166 ($25,019 + 9,147 = 34,166$) when 26,737 votes would have sufficed to surpass Murphy for fourth place.
38. From a different angle, the low levels of black voter turnout that characterized the 1995 and 1997 Boston city council at-large elections (7.3 and 7.9 percent of black voting-age population, respectively) raise very serious questions about black political cohesion in 1995 and 1997, despite seemingly high levels of cohesion among black voters at the polls (83.1 and 86.6 percent, respectively). Indeed, the actual numbers of black voters supporting Jones (5,878 in 1995 and 6,629 in 1997) constitute only 6.1 and 6.8 percent of the black voting-age population ($5,878 / 96,897 = 6.07$ percent and $6,629 / 96,897 = 6.84$ percent). That is, only about 1 in 15 blacks of voting-age backed Jones in either election.

Chelsea School Committee at-large: 1997, 1999, 2001 general elections

39. Although Michael Byron Lopez would be classified as Hispanic in a Spanish-surname analysis, information provided by attorneys for the defense indicate that Lopez is black. If so, Professor Engstrom has misclassified Lopez in the 1997 and 1999 school committee elections.
40. As Appendix 3 details, in the 1997 Chelsea school committee election, there were 4,182 voters. Professor Engstrom finds that Hispanics made up 13.9 percent of the turnout (Chelsea report, p. 13, par. 32). Arithmetic reveals that this means 581 Hispanic voters turned out ($4,182 \times 13.9$ percent = 581.3), or 11.8 percent of the Hispanic citizen voting-age population ($581 / 4,920 = 11.81$).

41. In the 1997 Chelsea school committee election, Valentin's logically impossible 102.3 percent Hispanic support from regression analysis would suggest even more Hispanic voters (595) backed him than turned out (581). Given Valentin's 825 total vote, this would mean at least 230 non-Hispanic voters (logically, more) backed Valentin. The small number of Hispanic votes received by Valentin (595 out of an Hispanic citizen voting-age population of 4,920) indicates lack of Hispanic political cohesion behind Valentin.
42. In the 1997 School Committee election, Lopez, whom Professor Engstrom counts as Hispanic, received 61.8 percent Hispanic support according to the regression estimate. This would mean 359 Hispanic voters supported Lopez ($581 \times 61.8 \text{ percent} = 359.06$). Given Lopez's 794 total vote, this would mean Lopez had the support of more non-Hispanic (435) than Hispanic voters ($794 - 359 = 435$). The small number of Hispanic votes received by Lopez (359 out of an Hispanic citizen voting-age population of 4,920) indicates lack of Hispanic political cohesion behind Lopez.
43. Lopez ran again in the 1999 Chelsea School Committee election. Total turnout was lower than in 1997—3,213 and Hispanics made up 15.3 percent of that turnout according to Professor Engstrom (Chelsea report, p. 13, par. 32). These figures suggest 492 Hispanics turned out ($3,213 \times 15.3 \text{ percent} = 491.6$), a figure that is 10.0 percent of the Hispanic citizen voting-age population according to the 2000 U.S. Census ($492 / 4,920 = 10.0$). Professor Engstrom estimates through regression analysis that Lopez received support from 69.5 percent of Hispanic voters, or 342 Hispanics ($492 \times 69.5 \text{ percent} = 341.9$). Again, given Lopez's total vote of 890, this means a greater number of non-Hispanic than Hispanic voters backed the Lopez candidacy ($890 - 342 = 548$). Again, the small number of Hispanic votes received by Lopez (342 out of an Hispanic citizen voting-age population of 4,920) indicates lack of Hispanic political cohesion behind Lopez.
44. The 2001 Chelsea School Committee contest involved two Hispanic candidates, Valerio and Pazos. Professor Engstrom notes that the correlation coefficient for the Pazos vote is not statistically significant. (Chelsea report, p. 7, par. 14) Put differently, this suggests the Pazos vote across precincts does not vary strongly in line with the ethnic composition of the precincts.
45. In the 2001 Chelsea election, 3,366 voters turned out. Engstrom estimates that 22.5 percent of the turnout was Hispanic. This would indicate 757 Hispanic voters ($3,366 \times 22.5 \text{ percent} = 757.35$), or 15.4 percent of the Hispanic citizen voting-age population ($757 / 4,920 = 15.39$).
46. For the 2001 Chelsea School Committee contest, Valerio is estimated to have received 72.1 percent support from Hispanic voters. This would indicate 546 Hispanic voters backed Valerio ($757 \times 72.1 \text{ percent} = 545.80$) and, given his 998 vote total, 452 non-Hispanic voters ($998 - 546 = 452$). The small number of Hispanic votes received by Valerio (546 out

of an Hispanic citizen voting-age population of 4,920) indicates lack of Hispanic political cohesion behind Valerio.

47. For the 2001 Chelsea School Committee contest, Pazos is estimated to have received 35.4 percent support from Hispanic voters. This would indicate 268 Hispanic voters backed Pazos ($757 \times 35.4 \text{ percent} = 267.98$) and, given her 796 vote total, 528 non-Hispanic voters ($998 - 268 = 528$). The small number of Hispanic votes received by Pazos (268 out of an Hispanic citizen voting-age population of 4,920) indicates lack of Hispanic political cohesion behind Pazos.

2001 Chelsea City Council at-large general election

48. Paragraph 45 above details the total and Hispanic turnout for the 2001 Chelsea elections. Avellaneda, an Hispanic candidate, secured 97.5 percent support from Hispanics, a level that, combined with 757 Hispanic voters turning out, means that 738 Hispanics backed Avellaneda ($757 \times 97.5 \text{ percent} = 738.08$). Given Avellaneda's vote total of 1,471, this means almost as many non-Hispanic voters (733) as Hispanic voters supported him ($1,471 - 738 = 733$). Since Avellaneda won, there is no politically significant ethnically polarized voting affecting his candidacy.

2002 Democratic State Senate primary in the Middlesex, Suffolk and Essex district

49. In this election, the Hispanic, Jarret Barrios, won the State Senate seat. As Professor Engstrom noted, within the part of that State Senate district that makes up the 2d Suffolk House of Representatives district, Barrios won with a 77 vote plurality. (Chelsea report, pp. 5-6, par. 11) Since Barrios prevailed within the 2d Suffolk House of Representatives district, there is no politically significant ethnically polarized voting in this contest.
50. Appendix 3 reports data for the Second Suffolk House of Representatives district portion of this State Senate district primary contest in 2002. In this area there were 6,267 voters turning out. Professor Engstrom reports Hispanics made up 14.7 percent of that turnout (Chelsea report, p. 13, par. 32). This would signify 921 Hispanic voters ($6,267 \times 14.7 \text{ percent} = 921.2$) turned out. According to Professor Engstrom's regression estimate, Barrios received the vote of 95.1 percent of the Hispanic voters (Chelsea report, p. 5, par. 11). This would mean Barrios received 876 Hispanic votes ($921 \times 95.1 \text{ percent} = 875.9$). Given the overall Barrios vote total of 2,426 within the 2d Suffolk House of Representatives district, this suggests he received support from 1,550 non-Hispanic voters ($2,426 - 876 = 1,550$).
51. It is noteworthy in the Second Suffolk House of Representatives district portion of this State Senate district that Barrios, the candidate of choice of Hispanic voters did gain, by Professor Engstrom's own regression estimates 39.0 percent of the non-Hispanic vote, not a majority but a sizable proportion. (Chelsea report, pp. 5, par. 11)
52. Professor Engstrom focuses on Charlestown, a heavily non-Hispanic section of Suffolk County House of Representatives District 2. What was true of the 2d Suffolk district—

Barrios received support from 39.0 percent of the non-Hispanic voters—is also true in Charlestown where Barrios received 1,151 votes, 38.9 percent of the votes for candidates cast in the contest. Within Charlestown, Barrios trailed Galluccio who had 51.9 percent of the vote. Although coming in second in the area, the sizable support Barrios received from non-Hispanics in Charlestown, allowed him to win a plurality in the area covering the 2d Suffolk House district.

53. To supplement Professor Engstrom's focus on Charlestown, I analyzed patterns of voting in this state senate contest within the Chelsea precincts that make up the rest of the 2d Suffolk House of Representative district (Appendix 2). Regression reveals that within these Chelsea precincts, Barrios was the candidate of choice of non-Hispanic as well as Hispanic voters. Since sizable non-Hispanic support for Barrios also typified Chelsea, this fact, combined with his sizable non-Hispanic support in Charlestown, demonstrates that a Hispanic candidate has an opportunity to win election in the area covered by the 2d Suffolk House district.
54. The level of non-Hispanic support secured by Barrios in Charlestown in 2002 can be contrasted with the weaker support received by a different Hispanic candidate, Arroyo, in the Boston city council at-large race in 2001. The Barrios candidacy showed greater ability by a Hispanic candidate to secure non-Hispanic support and put together a winning campaign.

1994 District Attorney, Suffolk County

55. Even though the extent to which countywide voting for District Attorney indicates patterns of voting in Suffolk County House of Representatives elections is open to question, it is the fact that in the 1994 District Attorney general election, the candidate of choice of black voters, Ralph Martin, a Republican and black, won the election. Martin was the candidate of choice of white voters as well. Voting was not racially polarized and there was no politically significant white bloc voting. This election contest involving black and non-black candidates was not analyzed by Professor Engstrom. The regression analysis of this election is presented in Appendix 2.

Patterson Report

56. As noted above, Professor Engstrom estimated from regression analysis that blacks in the City of Boston turned out at the following rates in the 1995, 1997, and 2001 elections: 7.3, 7.9, and 18.8 percent of their voting-age population (Boston Report, pp. 12-13, par. 30).
57. Such an upswing in voting by blacks from 8 to 19 percent of the black voting-age population within a two-year election cycle contradicts the "vicious circle" or "cycle of mistrust" theories advanced in Professor Patterson's report (pp. 7-8) in which lack of confidence in the political system and political leaders permeates and depresses political participation.

58. Indeed, the rate of voting by blacks in Boston rose further to 27.7 percent of voting-age population in the general 2002 election (Stanley Report, p. 12, par. 61). (This increase from 2001 to 2002 is no doubt influenced by well-known patterns of political participation in which state and federal offices are at stake in even year elections. Turnout is generally higher in such even year elections.)
59. Although Professor Patterson's theory may apply to some jurisdictions at some point in time, the black political participation rates raise serious questions about the applicability of his conclusions to the city of Boston. Also, indications from the Spanish-surname analysis of registration rates in Chelsea in 2003 appear to suggest the inapplicability of Professor Patterson's conclusions concerning cycles of mistrust for Hispanics in Chelsea (Stanley Preliminary Report, p. 11, par. 66).

Hardy-Fanta Report

60. Dr. Hardy-Fanta's report includes the following paragraph:

Research I have conducted in the field of race/ethnicity and politics in Boston between 1988 and 2002 clearly demonstrates that institutional factors within the control of the political system *accounts for a large degree* of the lower political participation and representation among Latinos and African Americans in Boston. Exhibit 2 indicates that Latino voting rates in sending countries (such as Puerto Rico) are 85-90% whereas Latino voting in Massachusetts is as low as 22% (Exhibit 2, p. 242-244) *due to* limited access to bilingual materials and polling staff, complex voter registration procedures that benefit those with residential stability and who are English-speaking, and discriminatory behavior at the polls (see Exhibit 3). (Hardy-Fanta report, p. 3; emphasis added)

61. In fact the pages referenced do not support the strong, causal conclusions the paragraph advances. Reliable, accurate data are unavailable, data on citizenship is required, and causes other than discrimination account for varying levels of Hispanic participation.
62. Dr. Hardy-Fanta acknowledges that reliable, accurate data on Hispanic political participation are unavailable: "Accurate data are lacking on Latino voter registration and voting in Massachusetts." (Hardy-Fanta report, Exhibit 2, 242) "Measures of Latino voter participation in Boston are generally unreliable." (Hardy-Fanta report, Exhibit 2, 244)
63. While Dr. Hardy-Fanta notes that according to Census surveys voting by Latinos in the 1996 election was 22.3 percent (Hardy-Fanta report, Exhibit 2, 242), she cautions that "Without knowing the number of Latinos who are *eligible* to vote (i.e., citizens over the age of 18), the official voting rates recorded by the U.S. Census are artificially low." (Hardy-Fanta report, Exhibit 2, 243; emphasis in original)
64. Moreover, the statement "Latino voting rates in sending countries (such as Puerto Rico) are 85-90% whereas Latino voting in Massachusetts is as low as 22%" mixes apples and oranges, comparing one sub-group (Puerto Ricans) with *all* Hispanics and downplaying

considerable cultural differences. Non-citizenship lowers the percentage of eligible voters among non-Puerto Rican Hispanics. Dr. Hardy-Fanta discusses the considerable cultural differences between the more festive atmosphere characterizing elections in Puerto Rico than in the United States (Hardy-Fanta Report, Exhibit 2, 247).

65. As Dr. Hardy-Fanta acknowledges, causes other than discrimination account for varying levels of Hispanic political participation: "In keeping with the literature, class has a considerable impact on Latino voter registration...." (Hardy-Fanta report, Exhibit 2, 244) "Latinos have the lowest median age of all racial/ethnic groups in [Massachusetts]: 22 compared to 36 for whites, 26 for blacks and 29 for Asians (Torres and Chavez 1998, 6).... Latinos also have the highest poverty rates, are overrepresented in the lower paying occupations, and trail all racial/ethnic groups in years of schooling completed (Torres and Chavez 1998). Combined with the well-documented fact that younger age groups participate least in electoral politics, these demographic factors go far in explaining lower Latino registration rates." (Hardy-Fanta report, Exhibit 2, 245; see also page 240)

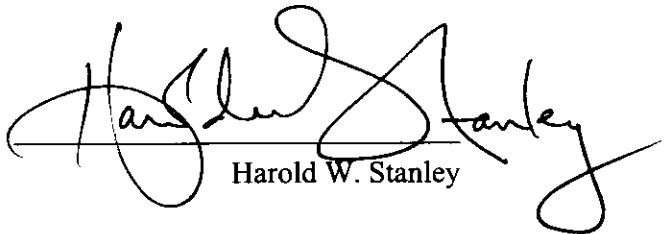
Attachments:

Appendix 1 Results by Enacted (2002) Suffolk County House of Representatives District in the City of Boston

Appendix 2 Exogeneous Election Analysis: Regression

Appendix 3 Hispanic Turnout and Preferred Candidate Support Estimates, 1997-2002

Signed under the penalties of perjury, this 10th day of July 2003.



Harold W. Stanley

Appendix 1: Results by Enacted (2002) Suffolk County House of Representatives District in the City of Boston
Suffolk County District Attorney, 5 November 2002

Candidate	Race	Votes attained by Legislative District						
		Suffolk 5	Suffolk 6	Suffolk 7	Suffolk 9	Suffolk 11	Suffolk 12	Suffolk 15
Conley	(W)	1,555	1,260	1,359	<u>3,157</u>	<u>5,025</u>	3,029	<u>3,556</u>
Jenkins	(B)	<u>3,097</u>	<u>4,531</u>	<u>4,010</u>	3,120	4,095	<u>3,966</u>	3,156
Sinnott	(U)	181	102	137	496	777	747	616
Blanks and others		1,112	1,161	1,270	1,655	1,713	1,209	2,037

Note: Winning vote total in each district is underlined.

Boston City Council At-Large Election, 6 November 2001

Candidate	Race	Votes attained by Legislative District							
		Suffolk 5	Suffolk 6	Suffolk 7	Suffolk 9	Suffolk 11	Suffolk 12	Suffolk 15	
Roache	(W)	<u>1,553</u>	<u>1,820</u>	<u>1,546</u>	<u>1,420</u>	<u>2,788</u>	<u>3,158</u>	<u>1,850</u>	
Hennigan	(W)	892	951	991	<u>1,622</u>	<u>4,030</u>	<u>2,263</u>	<u>3,365</u>	
Arroyo	(H)	<u>1,760</u>	<u>1,964</u>	<u>2,361</u>	<u>1,948</u>	<u>3,612</u>	1,711	<u>2,864</u>	
Igoe	(U)	289	420	363	503	760	383	502	
Flaherty	(W)	<u>1,289</u>	<u>1,478</u>	<u>1,235</u>	<u>1,582</u>	<u>2,518</u>	<u>2,831</u>	<u>1,850</u>	
Consalvo	(U)	678	879	733	940	2,106	1,719	1,323	
Murphy	(W)	<u>1,092</u>	<u>977</u>	<u>1,025</u>	1,204	2,399	<u>2,349</u>	1,592	
Blanks and others		7,731	9,795	8,670	6,473	11,095	9,414	8,574	

Note: Four candidates were elected. The top four vote totals in each district are underlined.

Results by Enacted (2002) Suffolk County House of Representatives District in the City of Boston
 Boston City Council At-Large Election, November 4, 1997

Candidate	Race	Votes attained by Legislative District									
		Suffolk 5	Suffolk 6	Suffolk 7	Suffolk 9	Suffolk 11	Suffolk 12	Suffolk 15			
Roache	(W)	<u>809</u>	<u>916</u>	<u>813</u>	<u>782</u>	<u>1,918</u>	<u>2,301</u>	<u>1,299</u>			
Smith	(W)	311	334	289	335	470	356	382			
O'Neil	(W)	518	506	451	478	1,676	1,516	914			
Davis-Mullen	(W)	<u>566</u>	<u>607</u>	<u>537</u>	<u>837</u>	<u>1,749</u>	<u>1,702</u>	<u>1,343</u>			
Jones	(B)	<u>1,136</u>	<u>1,856</u>	<u>1,932</u>	<u>1,662</u>	<u>2,630</u>	<u>1,758</u>	<u>2,305</u>			
Gannon	(W)	209	206	185	342	1,083	854	517			
Ianella	(W)	<u>598</u>	<u>786</u>	<u>883</u>	<u>1,075</u>	1,665	1,267	<u>1,284</u>			
Murphy	(W)	418	351	293	441	<u>1,678</u>	<u>1,580</u>	868			
Blanks and others		2,859	4,726	4,653	3,636	5,979	4,826	4,932			

Note: Four candidates were elected. The top four vote totals in each district are underlined.

Boston City Council At-Large Election, November 7, 1995

Candidate	Race	Votes attained by Legislative District									
		Suffolk 5	Suffolk 6	Suffolk 7	Suffolk 9	Suffolk 11	Suffolk 12	Suffolk 15			
Roache	(W)	<u>793</u>	<u>812</u>	<u>731</u>	<u>671</u>	<u>1,863</u>	<u>2,395</u>	<u>1,309</u>			
Flaherty	(W)	301	341	279	526	1,060	1,346	783			
O'Neil	(W)	<u>631</u>	<u>534</u>	<u>535</u>	470	<u>1,934</u>	<u>1,787</u>	<u>1,200</u>			
Davis-Mullen	(W)	499	507	482	<u>726</u>	1,530	1,242	1,159			
Jones	(B)	<u>1,042</u>	<u>1,580</u>	<u>1,849</u>	<u>1,447</u>	<u>2,167</u>	1,392	<u>1,948</u>			
Gannon	(W)	305	278	298	348	930	767	586			
Ianella	(W)	<u>832</u>	<u>1,060</u>	<u>1,072</u>	<u>1,039</u>	<u>2,041</u>	<u>1,567</u>	<u>1,550</u>			
Murphy	(W)	372	382	344	313	1,361	<u>1,435</u>	628			
Blanks and others		2,521	3,842	4,290	3,056	5,214	4,097	4,237			

Note: Four candidates were elected. The top four vote totals in each district are underlined.

Appendix 2: Exogeneous Elections Analysis: Regression

District Attorney, Suffolk County

Type	Year	Party	Candidate	Race	Votes	White	Black	Hispanic
General	1994	Dem	Malone	(W)	52,653	14.92	0.18	-0.70
General	1994	Rep	Martin	(B)	81,194	17.33	16.83	-2.40
General	1994		Blank / Other		18,070	4.14	2.45	1.66
General	1994				151,917			***
General	1994	Roll-on				32.25	17.01	-3.10
General	1994	Turnout				36.38	19.46	-1.40

Democratic State Senate primary in the Middlesex, Suffolk and Essex district (for the Chelsea precincts making up the 2d Suffolk House of Representatives District only)

Type	Year	Party	Candidate	Race	Votes	White	Black	Hispanic
Primary	2002	Dem	Barrios	(H)	1,275	11.19	-13.1	2.8
Primary	2002	Dem	Demario	(W)	324	3.24	-3.0	0.4
Primary	2002	Dem	Galluccio	(W)	817	9.65	-6.6	-0.4
Primary	2002		Blank / Other		281	2.45	0.2	0.6
					2,697			
			Roll-on			24.08	-22.7	2.8
			Turnout			26.53	-22.5	3.3

Notes: White refers to non-Hispanic, nonblack persons; "Black" to non-Hispanic black; and "Hispanic" to Hispanics whatever their racial designation. The numbers in these columns are percentages of the group's voting-age population estimated to have supported the candidate or ballot line indicated. "Roll-on" refers to the percentage of a group's voting-age population casting ballots for candidates in the contest ("blank/other" excluded). Turnout is the group's voting-age population percentage estimated to have turned out at the polls.

*** indicates unreliable estimates for a racial or ethnic group in a particular contest due to negative turnout, negative roll-on, or roll-on exceeding turnout.

Appendix 3: Hispanic Turnout and Preferred Candidate Support Estimates, 1997-2002

	<i>Total turnout</i>	<i>Hispanic percent of voter turnout</i>	<i>Hispanic voters</i>	<i>Hispanic voting-age population</i>	<i>Hispanic citizen voting-age population</i>	<i>Candidate</i>	<i>Percent Hispanic support</i>	<i>Hispanic votes</i>	<i>Non- Hispanic votes</i>	<i>Total votes received</i>
State Senate Primary										
2002	6,267	14.7	921	9,248	n.a.	Barrios (H)	95.1	876	1,550	2,426
Chelsea School Committee										
1997	4,182	13.9	581	11,126	4,920	Valentin (H)	102.3	595	230	825
1997	4,182	13.9	581	11,126	4,920	Lopez (B)	61.8	359	435	794
1999	3,213	15.3	492	11,126	4,920	Lopez (B)	69.5	342	548	890
2001	3,366	22.5	757	11,126	4,920	Valerio (H)	72.1	546	452	998
2001	3,366	22.5	757	11,126	4,920	Pazos (H)	35.4	268	528	796
Chelsea City Council										
2001	3,366	22.5	757	11,126	4,920	Avellaneda (H)	97.5	738	733	1,471

Note: The percent Hispanics made up of the turnout and the regression estimates are taken from Engstrom, Chelsea report. The State Senate primary in 2002 is from within the Chelsea and Charlestown sections of the 2d Suffolk House of Representatives district only. The voting-age and citizen voting-age populations are from the 2000 U.S. Census.